



SPECIAL MEETING

Ottawa Police Services Board

Minutes 51

Saturday, 5 February 2022, 4:30 PM

Via Zoom

Krista Ferraro, Executive Director

(613) 560-1270

Krista.Ferraro@ottawa.ca

Board Members:

Chair: Councillor D. Deans

Vice Chair: L.A. (Sandy) Smallwood

Members: B. Johnson, Councillor R. King, Councillor C. Meehan, D. Nirman, R. Swaita

CONFIRMATION OF AGENDA

That the Ottawa Police Services Board confirm the agenda of the 5 February 2022 meeting.

CONFIRMED

DECLARATIONS OF INTEREST

There were no declarations of interest.

ITEMS OF BUSINESS

1. ONGOING DEMONSTRATIONS AND THE PROVISION OF ADEQUATE AND EFFECTIVE POLICING

This agenda item was framed as a question to the Service regarding whether there was anything further the Board could be doing to assist with the ongoing demonstrations.

The unprecedented nature of the protest was noted, as was the threat to the country's democracy.

The Service's most recent numbers were from 1:30 p.m., at which time over 1,000 vehicles and trucks and approximately 5,000 demonstrators were counted. In addition to the main demonstration, there were approximately 300 counter protesters counted between Elgin Street and City Hall.

The OPS had received over 400 calls for service, had 50 criminal investigations underway, and they had charged 4 individuals with 7 offenses. They continued to investigate the mischief around the Tomb of the Unknown Soldier. There had been threats made to public figures.

Every OPS member was on active duty, and most were located in the downtown region of the city.

There were three developments to the OPS' operational plans that they shared, with the first being a surge of 150 additional officers being placed in the most impacted neighbourhoods (Centretown, Byward Market, Lowertown). This equated to approximately 20 to 25 additional officers per neighbourhood at all

points in the day. The rotation was planned to remain in place until Monday at which time service deployment would be reassessed. Secondly, the Service had hardened the perimeter of the red zone, installing concrete and heavy equipment barricades throughout the downtown core. The third and final component was enhanced intelligence capabilities.

The Service indicated an increased number of charges being laid and noted that the Freedom Convoy's Go Fund Me page had been shut down, however it would only be temporary. All measures available to the Service under the Police Services Act were being considered, and their plans were being adjusted on an hourly basis when necessary.

Chief of Police Peter Sloly indicated that there may not be a policing solution to the demonstration, and that the demonstration had reached beyond being a strictly Ottawa-based policing problem, having garnered international attention and now required the involvement of all levels of government.

The Service had received supports from the Ontario Provincial Police, the Royal Canadian Mounted Police, multiple surrounding municipal services, however still needed more.

In the short term, they requested additional surge resources to support the containment of the occupation, the maintenance of the surge, crowd management plans for the influx over the weekends, criminal enforcement and added intelligence, communications, as well as the interdiction of resources such as fuel and supplies.

In the medium term, the Service noted lacking resources and lacking the justice system framework to allow them to effectively manage demonstration situations such as these. The Service later, however, highlighted the need for additional legal supports in both the short and medium term, requesting assistance to find uncharted legal territory. The Service referenced the Criminal Code as being archaic and both the Provincial Highway Traffic Act and City of Ottawa Bylaws as being limiting in that they all failed to consider events such as the trucker convoy.

Approximately 495 officers were being deployed over the course of a 24-hour cycle, with 478 on the frontline. On average, 150 officers cover Ottawa. To maintain the footprint of the demonstration, 225 officers were required at all times.

Legislative challenges being faced included some parks being National Capital Commission (NCC) property, including Confederation Park. This required OPS to go through the NCC prior to taking any action in the area. Upon entering Confederation Park on Friday, February 4, it became clear to the Service that it

was an Indigenous demonstration, at which point they engaged their Indigenous elders and were able to have them negotiate with the provincial liaison team. The Service highlighted the need for appropriate steps to be taken, especially given the presence of women and children. The Service explained that they typically have a monthly meeting with all local stakeholders, including the NCC. While the legislative limitations delayed action, the Service noted not being in a position to break the law.

In terms of intelligence efforts, the Service indicated that their capacity was improving and expanding with the support of their partners. They had been accurate in their predictions for the day which facilitated their planning. They had received 400 calls for service related to the protest on Saturday alone. There were 11 hate crime investigations underway. There were investigative teams specifically dedicated to the demonstrations, and the policing presence was stronger in the three most affected Ottawa neighbourhoods; Centretown, Byward Market, and Lowertown.

The Service requested investments in intelligence, including an additional 30 to 40 investigators to up their capacity. The ability of the demonstration organizers to spread a narrative via social media was referenced as something that must be followed up on. Further, additional legal resources will be required to advocate for legislative changes that would provide increased powers of enforcement in situations such as this.

CAO Blair Dunker advised the Board that she was receiving what she needed for the time being, which was access to the Board and prompt approvals.

While the Board appreciated the overview of resources required in the future, they expressed concern regarding what they could do for the Service in the very short-term to assist. Chief Sloly advised the Board that he would take that question away. He noted having had to double their existing complement to simply maintain the current level of staffing. It was suggested that there was no quick solution.

A question was raised regarding what additional resources would be required for the OPS to begin blocking protestor entry into residential areas of the downtown core, or how the Service intended to stop trucks from using their horns at all hours. It was explained that liaison teams had been embedded into the demonstration from the offset, and that they have been negotiating with demonstrators throughout. The Service indicated that they had been doing everything they could. It was noted that although they had investigated using tow trucks to remove the vehicles, there simply were not enough available in Ottawa.

A point of clarification was then made that although ticketing a behaviour of a regular individual would likely act as a deterrent, that was not the case for the crowd downtown.

Although the Board expressed frustration at the lack of clearly outlined plan that would result in the end of the demonstration, the Service noted having articulated a framework aimed at their surge and contain strategy.

A question was raised regarding the staging area at the baseball stadium. The Service advised that they had been working with the people at the stadium and were in the process of determining what hazards were present and what options were available to them in terms of intervention.

A point was raised regarding the public's perception that the OPS were treating this protest in a different way than they would were it an indigenous protest. The Service reiterated that no aspect of the ongoing demonstration could be compared to any previous protest ever before seen in Ottawa. The OPS indicated being accustomed to handling large scale events such as Canada Day and welcoming dignitaries. They had planned for a weekend-long demonstration and were prepared for that. They had been negotiating and deescalating since the offset. The situation was referred to as volatile and contentious.

A question was raised regarding whether the Service's assumption that the demonstration was only going to last for the initial weekend was due to a lack of intelligence. The Service noted having had a large amount of intelligence from the time the convoy began its travels cross-country. The intelligence indicated that there would be small groups staying into the week, but ultimately it had seemed as though the crowd would be departing. The Service referred to the demonstrators' actions as being a new phenomenon not yet seen before, and not one shown through the intelligence information they had gathered.

On the question of whether any levels of government intended to engage with demonstrators through mediation, the Service explained that mediation was still in the early stages of consideration.

The Service was leveraging all their government connections at every level. They noted having had a number of meetings over the past week and had plans for further meetings in the coming week. Resources from all three levels of government had been received. They were working closely with City Manager Steve Kanellakos.

The Board expressed concern that despite the resources being reallocated to the OPS, they were still lacking. A question was raised regarding whether there were

other efforts the Board ought to be undertaking in an effort to better support the Service, such as whether they should be attempting to have a judge declare the demonstration as an unlawful assembly, allowing the Mayor to declare a riot.

Board and City Solicitor David White advised that all avenues were being explored by his office, however he did not believe there was any singular legal way forward. He noted that an injunction would be accompanied by a number of challenges. Mr. White explained that all options were under consideration, and his office would be providing updates either through the police or through Council, he further stated that it would not be up to his office as to whether a situation of mass arrests was the resolution. Mr. White indicated that he continued to work in conjunction with OPS' legal counsel.

With regards to the possibility of the Mayor declaring a state of emergency, Mr. White explained that it would not have any significant effect and it would not provide any additional legal authority. The province declaring a state of emergency would be significantly more impactful.

Discussion ensued regarding certain legal actions that could be taken and whether they had any practical enforcement. Part 4 of the National Defense Act, the Aid of Civil Power, was referenced. Mr. White clarified that the invoking of a federal power lies in the hands of the federal government.

Board Member Carol Anne Meehan suggested directing Board Chair Diane Deans to contact the Prime Minister requesting federal supports on this international issue.

Chair Deans indicated that she did not feel the need to direct the Prime Minister on actions he should undertake, however she would reach out to both federal and provincial counterparts to help the Service and the Board.

The Board asked the Service to provide them with a list of requested supports as soon as possible, to which the Service agreed.

That the Ottawa Police Services Board receive this item for discussion.

RECEIVED

2. APPOINTMENT OF SPECIAL CONSTABLES: RCMP

That the Ottawa Police Services Board approve the appointment of 257 RCMP employees as the need arises through this event, pursuant to Section 53 of the Police Services Act, in accordance with the terms and conditions set forth in the attached Approval of Appointment Letter.

CARRIED as amended

That the Ottawa Police Services Board provide delegated authority to Board Chair Diane Deans to approve resource requirements of the Ottawa Police Service related to the ongoing demonstrations.

CARRIED

CONSIDERATION OF MOTION TO MOVE IN CAMERA

That the Ottawa Police Services Board adjourn the public portion of its meeting to move In Camera to discuss confidential items pertaining to legal, labour relations and personal matters in accordance with Section 35(4)(b) of the Police Services Act.

CARRIED

ADJOURNMENT

The meeting adjourned at 6:19 PM

NEXT MEETING

Regular Meeting - Monday, 28 February 2022, 4:00 PM